

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT GRIMSLEY,

Plaintiff,

-against-

NIKE CORP., *et al.*,

Defendants.

21-CV-10745 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Robert Grimsley is currently detained in the Snake River Correctional Institution in Oregon. By order dated December 17, 2021, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) and prisoner authorization or pay the \$400.00 in fees required to file a civil action in this Court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application and prisoner authorization or paid the fees. Instead, Plaintiff has submitted a number of documents, including a “motion for relief from order,” a declaration, a letter, a motion to correct the docket, and a civil cover sheet (ECF Nos. 6-10), in which he asserts that because Defendants “kidnaped “him, he does not qualify as a prisoner. (ECF 6 at 2).

As Plaintiff is currently incarcerated in Oregon, he qualifies as a prisoner under 28 U.S.C. § 1915(h).¹ The complaint is therefore dismissed without prejudice for Plaintiff’s failure to comply with the Court’s order. To the extent Plaintiff seeks reconsideration of the December 17, 2021 order, that motion is denied.

¹ Section 1915(h) defines “prisoner” for the purposes of the *in forma pauperis* statute to mean “any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.” 28 U.S.C. § 1915(h).

CONCLUSION

The complaint is dismissed without prejudice for failure to comply with the Court's order. *See* 28 U.S.C. §§ 1914, 1915. The Clerk of Court is directed to terminate all outstanding motions. No further documents will be accepted in this case with the exception of those directed to the Second Circuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 3, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge